IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TEN

PRESENT

THE HON'BLE MR JUSTICE C.V.NAGARJUNA REDDY

M.A.C.M.A.No.235 of 2007

Between:

1.The A.P.S.R.T.C., rep. by its Depot Manager,
Tiruvur Bus depot, Krishna District and another.

..... Appellants

AND

1.Kotaru Venkata Manjunadiswaradas and 2 others.

.....Respondents

Counsel for the Appellants: Mr.P.Krishna Reddy
for Mr.Pottigari Sridhar Reddy

Counsel for the Respondents: Mr.S.Chalapathi Rao

The Court made the following :

Judgment:

In this appeal filed by the Andhra Pradesh State Road Transport Corporation, against award, dated 30-08-2006, in M.V.O.P.No.969 of 2005, on the file of the Motor Accidents Claims Tribunal, (District Judge) Khammam (for short the Tribunal), two contentions have been advanced by the learned Standing Counsel *viz*., (1) that proper multiplier has not been applied in computing the income of the deceased and;

(2) that the Tribunal has deducted 1/3rd of the income of the deceased towards his personal expenses instead of 50%.

With regard to the first contention, as per the judgment in **Sarala Verma (Smt.) & others vs. Delhi Transport Corporation**[1], if the mother of the deceased is aged between 36 and 40 years, the multiplier of 15 should be taken. In the instant case, admittedly, the mother of the deceased was 40 years of age, and therefore, the multiplier of 15 was adopted by the Tribunal. This contention of the learned Counsel for the appellant-Corporation is, therefore, rejected.

With respect to the second contention advanced by the learned Counsel for the appellants, I find force therein. In **Sarala Verma**

(1st cited supra), the Supreme Court held that where the deceased was bachelor, it is reasonable to deduct 50% of the income of the deceased towards his personal expenditure and take the balance 50% as family contribution.

In this view of the matter, the award of the Tribunal is modified by directing the Tribunal to pass a fresh decree, by taking the contribution of the deceased to his family at 50%, instead of 2/3^{rds}, of his income, within a period of three months from the date of receipt of a copy of this order.

The Civil Miscellaneous Appeal is allowed to the extent indicated above.

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(**C.V.NAGARJUNA REDDY, J)**

17th February, 2010
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[1] (2009) 6 SCC 121 = 2009 (3) Supreme Today